IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 3RD NOVEMBER 2006 / 12TH KARTHIKA 1928

Bail Appl..No. 6440 of 2006()

LPC.45/05 IN CC.644/2004 of C.J.M.,KASARAGOD

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PETITIONER/ACCUSED

ABDULREHIMAN, S/O.AHAMMED,
CHALAKUNNU, NAINMARMOOLA,
KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
SHO OF KASARAGOD POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6440 of 2006

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Dated this the 3rd day of November, 2006

O R D E R

The petitioner is facing arrest because of the issuance of a non-bailable warrant by the Chief Judicial Magistrate, Kasargode, in C.C.No.664/2004, which is now pending as L.P.No.45/2005, as the petitioner was absconding.

2. The counsel submits that the petitioner had gone to Mumbai, in search of a job, therefore, he could not be present before the court below.

3. The learned Public Prosecutor submits that the petitioner, the fourth accused, as well as others, unlawfully assembled and prevented the constable, who had gone to serve the process of the court, and the first accused assaulted the police constable by beating him with an iron pipe.

4. The learned counsel for the petitioner submits that no overt act is attributed against him.

5. The learned Public Prosecutor brought to my notice that they were the members of the unlawful assembly.

6. In the above fact situation, I direct the petitioner to appear before the Chief Judicial Magistrate, Kasargode, on 09/11/2006, at 11 am.

7. The learned Magistrate shall hear the counsel for the petitioner and pass orders, on merit, on the date of surrender, itself.

(J.M.JAMES)
Judge

ms